

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 88-149

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY

PACIFIC GAS & ELECTRIC COMPANY  
CITY OF PITTSBURG, CONTRA COSTA COUNTY

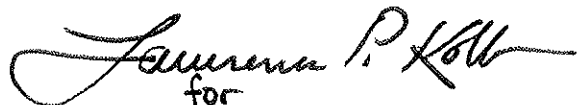
The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds, pursuant to California Water Code Sections 13385 and 13350(a)(2) and (3) that:

1. Pacific Gas & Electric Company (PG&E) owns and operates a 43 mile long fuel oil pipeline designed to transfer hot fuel oil between the Pittsburg and Contra Costa Power Plants.
2. At the crossing of Hastings Slough, the pipeline is installed above ground with two 90 degree bends to connect the pipe with an underground section. The section of above ground pipeline leaked an estimated amount of 2,793 gallons of displacement oil into Hasting Slough from July 20 through July 23, 1988.
3. The cause of the leak, according to PG&E, was an eight inch rupture in the pipeline caused by the combination of external corrosion and pressure from thermal expansion of the displacement oil.
4. The oil product that was spilled is similar to diesel oil in that it is lighter, more volatile and more soluble than an average crude oil. If ingested, the oil is more toxic to fish and wildlife than crude oil. Bioassays conducted by the Department of Fish and Game confirmed the high toxicity of the soluble fraction. Tidal action and the wind contained most of the oil in the lower reaches of Seal Creek and Hastings Slough. However, the discharge of a toxic substance into a sensitive wetland constitutes a loss of habitat use and is associated with unquantifiable damages. Consequently, the spill caused a condition of pollution and nuisance in waters of the State and the United States.
5. The maintenance program implemented by PG&E for the pipeline was inadequate to detect the corroding section and prevent release of oil. This discharge was negligently caused or permitted by PG&E.
6. The cleanup was conducted in a timely manner and PG&E was very cooperative and responsive to requests from the agencies involved. Estimates from PG&E of the amount of oil recovered equal approximately 2,250 gallons.

7. PG&E may have been negligent in that they failed to locate the leak for a period of 3 days after being notified of the leak by a concerned citizen.
8. On September 23, 1988, Complaint No. 88-149 was issued for Administrative Civil Liability due to PG&E's violation of the above cited Sections of the California Water Code and Basin Plan prohibitions on discharges without a discharge permit.
9. The Executive Officer, in Complaint No. 88-149, proposed that administrative civil liability be imposed by the Regional Board in the amount of \$20,000 pursuant to Section 13350 and 13385 of the California Water Code. The proposed liability has not been paid, and the right to a hearing has not been waived.
10. The Board on October 19, 1988, after due notice to PG&E and other affected persons, conducted a public hearing at which PG&E appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTION 13350 and 13385 that Pacific Gas and Electric Company is civilly liable for this violation and shall pay administrative liability in the amount of \$20,000. Payment shall be made within 30 days of the date of the Order to the State Water Pollution Cleanup and Abatement account.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 19, 1988.



for  
STEVEN R. RITCHIE  
Executive Officer